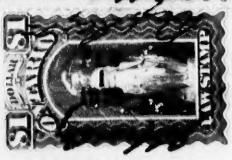
In Chancery.



Between Henry C. R. Becher and Anne G. Macbeth, Verschoyle Cronyn and William P. R. Street, Executrix, and Executors of the last Will and Testament of George Macbeth, deceased, and the said Henry C. R. Becher, Lawrence Lawrason and George Percival Ridout, Executors of the last Will and Testament of Lionel Ridout, deceased, - - - - - *Plaintiffs*

AND

William McKnight and Matilda McKnight, his wife, Reuben Short, Elizabeth Jane McKnight, Reuben George McKnight, Fanny Louise McKnight, William George McKnight, James McKnight, and Agnes McKnight, the last six named being infants under the age of 21 years, - - - - - - - - - - - *Defendants.*

CITY OF LONDON:

To the Honorable the Judges of the Court of Chancery:

The Bill of Complaint of Henry C. R. Becher, of the City of London, in the Province of Ontario, Esquire, and Anne G. Macbeth, Widow, Verschoyle Cronyn, Esquire, and William P. R Street, Esquire, all of the said City of London, Executrix and Executors of George Macbeth, deceased: and the said Henry C. R. Becher and Lawrence Lawrason, of the said City of London, and George Percival Ridout, of the City of Toronto, in the said Province of Ontario, Esquires, Executors under the last Will and Testament of Lionel Ridout, deceased, the above named Plaintiffs.

SHEWETH:

1. That under and by virtue of an Indenture of Bargain and Sale, by way of Mortgage, bearing date the first day of July, in the year of Our Lord, 1853, and made between the said Defendant, William McKnight of the first part, your Complainant, Henry C. R. Becher and George Macbeth and Lionel Ridout, both since deceased, of the second part, and the Defendant, Matilda McKnight, wife of the said William McKnight, who joined therein for the purpose of barring her dower, as she thereby did, of the third part, your Complainant, Henry C. R. Becher and the said George Macbeth and Lionel Ridout, became, and were Mortgagees of certain freehold property therein comprised, being all and singular that certain parcel or tract of land and premises, situate, lying and being in the township of Westminster, in the County of Middlesex, in the Province of Ontario, containing by admeasurement one-fifth of an acre, be the same more or less, and being composed of a part of Lot number 6, east of the Wharncliffe Highway, in the said Township of Westminster, and known as and being lot number 60, according to a plan and survey of part of the said lot number 6, East of the Wharncliffe Highway, made by Samuel Peters, Esquire, Provincial Land Surveyor for the said Henry C. R. Becher, George Macbeth and Lionel Ridout, which plan has been registered in the Registry Office of the County of Middlesex, and which Lot number 60, according to said plan, fronts on Becher Street, for securing payment of the sum of $376.20, with interest thereon, on the days and times following, that is to say: one-tenth down, and the remainder in nine equal annual instalments, with interest on the principal money from time to time remaining unpaid, to be paid on the first day of July in each year till paid, the first of such payments to be made on the first day of July next after the day of the date of said Mortgage.

2. That the said Lionel Ridout died on or about the ninth day of November, in the year of Our Lord, 1859, having first duly made and published his last will and testament in writing, executed in manner and form sufficient according to law to pass real and personal estate by devise and bequest, and thereby he appointed your Complainants, Henry C. R. Becher, Lawrence Lawrason and George Percival Ridout, Executors of his said Will.

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3. Subsequently your Complainants, Henry C. R. Becher, Lawrence Lawrason and George Percival Ridout, Executors as aforesaid, duly proved the said Will in the proper Court, in the Province of Ontario, in that behalf and probate of the same, was by the said Court granted to them, and your Complainants, Henry C. R. Becher, Lawrence Lawrason and George Percival Ridout, are now the personal representatives of the said Lionel Ridout, deceased.

4. The said George Macbeth died on or about the third day of June, in the year of Our Lord 1870, having first duly made and published his last Will and Testament in writing, executed in manner and form sufficient according to law to pass real and personal estate by devise and bequest, and thereby he appointed your Complainants, Anne G. Macbeth, Verschoyle Cronyn and William P. R. Street, Executrix and Executors of his said last Will and Testament.

5. Subsequently your Complainants, Anne G. Macbeth, Verschoyle Cronyn and William P. R. Street, as Executrix and Executors, as aforesaid, duly proved the said Will in the proper Court, in the said Province of Ontario, in that behalf and probate of the same was by the said Court granted to them, and your said Complainants, Anne G. Macbeth, Verschoyle Cronyn and William P. R. Street, are now the personal representatives of the said George Macbeth deceased.

6. The time for payment of the whole of the said principal money and interest has elapsed, and default has been made in the payment thereof.

7. The sum of $150.00 only has been paid on account of the said principal money, and the sum of $58.65 only has been paid on account of the interest thereon.

8. There is now justly due and owing to your Complainants, under and by virtue of the said Mortgage security for principal money, the sum of $225.00, and for six years interest thereon the sum of $81.28.

9. Neither your Complainants nor the said Lionel Ridout or George Macbeth, in their respective lifetimes, nor any person on their behalf or the behalf of any or either of them, has or have been in the occupation of the said Mortgaged premises or any part thereof, nor in the receipt of the rents and profits thereof or any part thereof.

10. The said Defendant, William McKnight, neglected to and did not pay the taxes assessed against said lands after the execution of the said Indenture of Mortgage, and the same became and were in arrear for a period of five years, and thereupon the said lands were duly and according to the statute in that behalf, advertised for sale for taxes by the Sheriff of the County of Middlesex, and in pursuance of such advertisement, the said lands were put up for sale, and your Complainant, Henry C. R. Becher, attended said sale, and thereat, in the month of December, in the year of Our Lord 1861, became purchaser of said lands, for the sum of $25.54 being the sum due thereon (which sums your Complainants paid to said Sheriff), and the said lands were thereupon, in pursuance of said sale, conveyed to your said Complainant, Henry C. R. Becher.

11. Your Complainants have since paid for taxes on said lands further sums, amounting in all to the sum of $11.74, and they submit they are entitled to a charge upon said lands, for the sums paid for taxes thereon, as aforesaid, and interest thereon.

12. By a deed bearing date on the eighth day of October, in the year of our Lord 1857, the Defendant, William McKnight, conveyed the said lands and premises to the Defendant, Reuben Short, in trust for the use and benefit of the Defendant, Matilda McKnight, wife of the said Defendant, William McKnight, and for the use and benefit of the Defendant, Elizabeth Jane McKnight, then and now an infant under the age of 21 years, and one Emma McKnight, a daughter of the said William McKnight, and any other or others children of the said William McKnight and Matilda McKnight, his wife.

13. The said Emma McKnight died subsequently to the execution of the deed in the twelfth paragraph mentioned, intestate and without issue.

14. The Defendants, Elizabeth Jane McKnight, Reuben George McKnight, Fanny Louise McKnight, William George McKnight, James McKnight and Agnes McKnight are children of the said Defendants, William McKnight and Matilda McKnight and are infants under the age of 21 years.

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15. The said Reuben Short, as Trustee as aforesaid is, and the defendants Matilda McKnight, Jane Fanny Louise McKnight William George McKnight Elizabeth McKnight, Reuben George McKnight, James McKnight and Agnes McKnight are entitled to the Equity of Redemption of the said Mortgaged premises.

Your Complainants therefore pray :—

1. That they may be paid the said principal sum of $225.80, and interest thereon, and the several sums paid for taxes on said lands and interest thereon, and their costs of this suit, or in default thereof that the Equity of Redemption of the said Mortgaged premises may be foreclosed,

2. And for the purposes aforesaid, that all proper directions may be given and accounts taken.

3. And that your Complainants may have such other and further relief in the premises as to your Lordships may seem meet.

And your Complainants will ever pray.